



City of Seattle

Gregory J. Nickels, Mayor

Department of Design, Construction and Land Use

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**CITY OF SEATTLE
ANALYSIS AND RECOMMENDATION OF THE DIRECTOR
OF THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 2204526

Applicant Name: Paul Liao, for Pacific Rim Center L. L. C.

Address of Proposal: 900 S Jackson St

Council File: 305338

SUMMARY OF PROPOSED ACTION

Council Land Use Action to rezone 11,186.5 square feet of L-3 to NC-3 (65'). The property to be rezoned is bounded by 9th Avenue S to the west, and 10th Avenue S to the east. The rezone involves 9,052.7 square feet of the applicant's property in addition to 2,133.8 square feet within the adjacent rights-of-way of 9th Avenue S and 10th Avenue S.

The following approvals are required:

Rezone - To rezone from L-3 to NC-3/65' (Seattle Municipal Code 23.34).

SEPA - Environmental Determination - Seattle Municipal Code Chapter 25.05.

SEPA DETERMINATION: [] Exempt [X] DNS [] MDNS [] EIS

[] DNS with conditions

[] DNS involving non-exempt grading, or demolition, or another agency with jurisdiction.

BACKGROUND DATA

Site and Vicinity Description

The proposal site consists of a single tax parcel of land totaling 38,361.37 square feet. Tax parcel No. 6600770010, is rectangular in shape, with 137 feet of depth extending north from a property line of 280.01 feet running east and west and abutting S. Jackson Street between 9th Avenue S. and 10th Avenue S. The northernmost 32.33 feet of the rectangle is zoned L-3, with the southernmost 90.67 feet zoned NC-3/65'.

The overall site comprises the southernmost 60 percent of the block between South Main Street on the north, S. Jackson Street on the south, 9th Avenue S. to the west and 10th Avenue S. to the east. S. Main Street is unimproved at this point; 9th Avenue S. is improved only as a driveway off S. Jackson Street and only as far as the entry to the parking of the building which occupies the subject site; 10th Avenue S. is improved only as far north as the northern property line of the subject site.

The subject area abuts undeveloped land on the steeply-sloped, south-facing hillside which serves as a buffer to the top-of-slope Yesler Terrace housing development. The entire site and hillside is designated as an Environmentally Critical Area with a "Potential Slide" designation. Immediately to the west, across the 9th Avenue S. right-of-way, is an undeveloped triangular parcel of land, similarly spilt-zoned, and controlled by the Seattle Housing Authority. Approximately seventy-two feet to the west is the right-of-way (and actual edge) of Interstate Highway I-5. Across 10th Avenue S., the northern half of the block is zoned C-1/65'. The southern half of the block is zoned NC3-65'. The NC3-65' zoning continues eastward along the north side of South Jackson Street another block front to 12th Avenue S., then changes to C-1/65' along both sides of S. Jackson Street. The south side of S. Jackson Street, between the freeway to the west and 12th Avenue S. to the east, is zoned NC-3/65'. This zoning continues one and a half blocks south of S. Jackson Street and then becomes C-1/65' another two and a half blocks to S. Dearborn Street.

The subject land, except for the northernmost eight and one half feet, is occupied by a large, mixed-use building constructed within the past two years. Information supplied by the applicant indicates the following distribution of space within the building: the seven story building is divided by uses nearly in thirds: residential, commercial and the parking accessory to each. The building contains 50 residential condominium units, occupying 65,447 square feet of space; 60,933 square feet of the structure is in retail commercial use; and 61,330 square feet is given to parking for the residential and commercial uses in the building.

A substantial retaining wall runs along the entire north property line.

Proposal Description

The Land Use Code, section SMC 23.34, "Amendments to Official Land Use Map (Rezoning)," allows the City Council to approve a map amendment (rezone) according to procedures as provided in Chapter 23.76, Procedures for Master Use Permits and Council

Land Use Decisions. The owner/applicant has made application, with supporting documentation, per SMC 23.76.040 D, for an amendment to the Official Land Use Map. The owner/applicant is requesting a rezone of the northernmost 32.33 feet of the parcel identified as Tax Parcel No. 6600770010 from L3 to NC3-65'.

Public Comments

Notice of the original project was published on August 15, 2002. The required public comment period ended on August 28, 2002. No comment letters were received during or subsequent to the required public comment period.

ANALYSIS - REZONE

The applicable requirements for this rezone proposal are stated at SMC Sections 23.34.007 (rezone evaluation), 23.34.008 (general rezone criteria), 23.34.009 (height limits), 23.34.020 (L3 zone, function and locational criteria), 23.34.072 (designation of commercial zones), and 23.34.078 (NC3 zone, function & locational criteria). The zone function statements are to be used to assess the likelihood that the area proposed to be rezoned would function as intended.

The most logical order for analysis does not follow the section numbering. In the following analysis, SMC Section 23.34.020 will be considered first, because it may be determinative. Then follow 23.34.078 (which activates consideration of the location criteria of 23.34.080 and 23.34.009), and finally 23.34.007, which requires synthesis of all the foregoing analyses. The pattern below is to quote applicable portions of the rezone criteria in italics, followed by analysis in regular typeface.

Analysis of consistency with SMC Section 23.34.020 (Lowrise 3 (L3) zone, function and locational criteria):

Section 23.34.020: This section consists of subsections A (function) and B (locational criteria).

- A. Function. An area that provides moderate scale multifamily housing opportunities in multifamily neighborhoods where it is desirable to limit development to infill projects and conversions compatible with the existing mix of houses and small to moderate scale apartment structures.*

The site is topographically and functionally separated from the large development to the north with which it shares the L-3 zoning designation, the large park campus of the Yesler Terrace housing project. A large undeveloped lot of approximately 25,000 square feet abutting the subject lot and directly to the north, lying between the unopened rights-of-way of 9th Avenue S. and 10th Avenue S., and facing on the north the unopened right-of-way of S. Main St. is similarly zoned L-3. To the north and west, across the unopened right-of-way of 9th Avenue S., and between there and the right-of-way of Interstate Highway 5, is a triangular undeveloped parcel of some 6,720 square feet, the northernmost 5,845 square feet of which are also zoned L-3.

Topographically these lots form and are a part of the steep south slope of Seattle's historic "First Hill." The hillside is at times unstable and has been the general location of several landslides over the years. Both a physical and a historical-cultural "break" are suggested by the fact that the First Hill Neighborhood Urban Center and the First Hill Urban Village which is a part of that Urban Center terminate at the centerline of the unimproved S. Main Street on the south face of the hillside just north of this site, whereas the area south of the centerline of S. Main Street, including this site, is included within the International District/Chinatown Urban Village planning area, and is a part of the Downtown Urban Center.

Atop the hill and to the north is the aptly designated Yesler "Terrace," a roughly flat area of several acres. Razing of the existing housing stock in the early 1940's for a low-income housing development and extensive re-grading also eliminated the earlier street and grid pattern. The public housing that was erected within Yesler Terrace followed a campus pattern with few streets or public right-of-ways intersecting the campus. The area bounded between Alder Street on the north, S. Main Street on the south, Boren Avenue on the east and now delineated by Interstate 5 to the west today is comprised of multiple lowrise wood-frame structures. The buildings are only partially aligned with either of the two grids which determine the alignment pattern for structures outside the campus. The majority of the housing structures within Yesler Terrace are non-conforming to L-3 standards, primarily because they exceed the allowable width for buildings within an L-3 zone.

Based on these factors, the proposal site is only marginally compatible with the function of the Lowrise 3 zone.

B. Locational Criteria.

1. *Threshold Conditions. Subject to subsection B2 of this section, properties that may be considered for an L3 designation are limited to the following:*
 - a. *Properties already zoned L3;*
 - b. *Properties in areas already developed predominantly to the permitted L3 density and where L3 scale is well established;*
 - c. *Properties within an urban center or village, except as provided in this subsection below, where less emphasis shall be placed on density and scale compatibility with existing development, when the designation will be consistent with the densities required for the center or village category as established in Section B of the Land Use Element of the Comprehensive Plan, unless otherwise indicated by a neighborhood plan adopted or amended by the City Council after January 1, 1995.[The rest of this subsection excludes certain neighborhood planning areas, but not First Hill or the International District/Chinatown, from inclusion within this subsection.]*
 - d. *[Applies only to the Delridge Neighborhood planning area.]*

- e. *Properties designated as environmentally critical may not be rezoned to an L3 designation, and may remain L3 only in areas predominately developed to the intensity of the L3 zone.*
2. *Other criteria. The Lowrise 3 zone designation is most appropriate in areas generally characterized by the following:*
 - a. *Development Characteristic of the Area.*
 - (1) *Either:*
 - (a) *Areas that are already developed predominantly to the permitted L3 density and where L3 scale is well established,*
 - (b) *Areas that are within an urban center or urban village, except as provided in this subsection below, where less emphasis shall be placed on density and scale compatibility with existing development, when the designation will be consistent with the densities required for the center or village category as established in Section B of the Land Use Element of the Comprehensive Plan, unless otherwise indicated by a neighborhood plan adopted or amended by the City Council after January 1, 1995. [.The rest of this subsection excludes certain neighborhood planning areas, but not First Hill or the International District/Chinatown, from inclusion within this subsection.]*
 - (c) *[Applies only to the Delridge Neighborhood planning area.]*
 - (2) *Areas where the street pattern provides for adequate vehicular circulation and access to sites. Locations with alleys are preferred. Street widths should be sufficient for two (2) way traffic and parking along at least one (1) curbside.*
 - b. *Relationship to the Surrounding Areas.*
 - (1) *Properties in areas that are well served by public transit and have direct access to arterials, so that vehicular traffic is not required to use streets that pass through less intensive residential zones*
 - (2) *Properties in area with significant topographical breaks, major arterials or open space that provide sufficient transition to LDT or L1 multifamily development;*
 - (3) *Properties in areas with existing multifamily zoning with close proximity and pedestrian connections to neighborhood services, public open spaces, schools and other residential amenities;*
 - (4) *Properties that are adjacent to business and commercial areas with comparable height and bulk, or where a transition in scale between areas of larger multifamily and/or commercial structures and smaller multifamily is desirable.*

1. The property is currently zoned L3 and meets the first of the locational criteria. The developed capacity of the rest of the Yesler Terrace campus which is the only L3 zoned area within the general vicinity, however, is not developed to the zoned capacity of the L3 zone which is one (1) unit per 800 square feet of property. The scale of the already built environment with the adjacent properties similarly zoned L3 is not in scale with the allowed development for this site since the majority of the existing buildings exceed the allowable width for structures in an L3 zone, several of them exceeding the allowable width by a factor of 3.
2. The site is located within the planning area of an adopted neighborhood plan. Further discussion of the Chinatown/International District Neighborhood Plan can be found in the section of this report which analyses General Rezone Criteria (SMC 23.34.008.D) on pages 9-10, and pp.13-14. For the purposes of our analysis at this point however, it should be noted that, as located within the Chinatown/International District Planning Area and the Downtown Urban Center, the 30-foot height limit for L3 development would be out of scale with the potential development for the rest of the Urban Village area where the zoned capacity is for structures of 65 to 150 feet.

The subject property lies within a larger steep-slope, potential-slide, known- slide area and the developed density of the overall area zoned L3 is below the allowable density of the L3 zone.

3. Access to the proposed rezone site is only through the cul-de-sac of 10th Avenue S. 9th Avenue S. serves only as a driveway serving as access to the underground parking within the structure which occupies the larger site. 10th Avenue S., which terminates at the site, was improved as part of the construction development of the building at 900 S. Jackson Street. There is no alley access to the site, nor is there access to the site through the areas adjacent to the site zoned L3. Vehicle access to this site from the contiguous areas atop the terrace zoned L3 would only be by traveling south down 12th Avenue S. and then turning west onto S. Jackson St. and continuing on to 10th Avenue S. and there turning north to the end of the cul-de-sac.

Topographically isolated as it is from the bulk of the area zoned L3, and located within the Chinatown/International District Urban Village of the Downtown Urban Center, rather than the First Hill Urban Village of the Capital Hill/ First Hill Urban Center where preponderance of land zoned L3 is located, the development of this site according to the development standards of the L3 zone would be out of scale with the development in the immediate vicinity and with potential development in the vicinity.

The site is within reasonable access to public transit on S. Jackson St., which connects to other parts of Downtown and to transportation serving the rest of the city and region.

There are no lots zoned LDT or L1 in the area and the L3 property does not provide a transition to zones of lower-density multifamily use.

Public services and schools are available nearby. The site is contiguous with commercial development and with commercial/residential mixed-use development, but the height, bulk, and scale of the commercial development nearby would not be comparable with the potential L3 development on this site and any development to L3 standards on this site would not serve as a desirable transition between zones.

Conclusion: The site meets one threshold locational criterion insofar as it is already zoned L3. The suitability of the L3 designation according to other locational criteria is more tenuous. Meeting the function of providing moderate scale housing opportunities in multifamily neighborhoods is likewise problematic, since the site would serve only as a buffer and, because of topographical constraints, could not practicably be developed with a structure meeting L3 development standards. Access to the site and the grid orientation of the site is from and to the south rather than the north. The boundaries between neighborhood planning areas clearly includes this site within the commercial and mixed-use neighborhood of the International District rather than within the First Hill neighborhood which is more characteristically marked by multifamily development. Overall, the above analysis of the consistency of the site with the existing L3 zoning suggests the site fits but only marginally within the locational criteria for an L3 zone.

SMC Section 23.34.072 A-E (Designation of commercial zones):

- A.** *The encroachment of commercial development into residential areas shall be discouraged.*

The expansion of the Neighborhood Commercial zoning designation into an area currently zoned multifamily (L3) is a de-facto encroachment of commercial development into a residentially zoned area. It is not, however, an encroachment into “a residential area” in terms of the actual or potential development of the hillside of which the subject site is part.

- B.** *Areas meeting locational criteria for single-family designation may be designated NC130’/L1, NC2 30’/L1 or NC3 30’/L1 only as provided in Section 23.34.010.B.*

The area does not meet the locational criteria for a single-family designation.

- C.** *Preferred configuration of commercial zones shall not conflict with the preferred configuration and edge protection of residential zones as established in Sections 23.34.010 and 23.34.011 of the Seattle Municipal Code.*

The designation of this site as “commercial” would not conflict with the edge protection of single family residential zones as established in Sections 23.34.010 or 23.34.011 of the Seattle Municipal Code.

- D.** *Compact, concentrated commercial areas, or nodes, shall be preferred to diffuse, sprawling commercial areas.*

The designation of the site as commercial would not appreciably diminish the compact and concentrated character of the existing commercial area along S. Jackson Street. The proposed rezone would not enable diffusion or sprawl of the existing commercial area.

The S. Jackson Street commercial corridor marks the northern edge of a relatively compact commercial and mixed-use area that extends south to S. Dearborn Street and which extends west to east from 4th Avenue S. to Rainier Avenue S. West of the freeway the area extends three blocks further north to Yesler Way. An area to the west of the freeway and one half block north of S. Jackson Street is designated as International District Residential (IDR), a Downtown zone designation. The rest of the subject area west of the freeway is zoned International District Mixed (IDM). Both downtown zoning areas are part of the International Special Review District and subject to the provisions of SMC 23.66.302, and applications for use or development within the District require review by the International District Special Review Board.

The International District is the urban focal point of Seattle's Asian American community and the Special Review District recognizes and promotes the area's unique history, social mix and urban design characteristics. Although the Special Review District is bounded on the east by the I5 freeway, the extension of area's unique character extends east of the freeway. This continuity of character is recognized in Seattle's Comprehensive Plan which extends its Downtown Urban Center, elsewhere bounded by the I5 freeway on the east, to Rainier Avenue S., between S. Main and S. Dearborn Streets. The Chinatown/International District Neighborhood Planning Area includes the entire region between 4th Avenue S. and Rainier Avenue S.

The larger subject site, including the portions zoned NC3-65' and L3, is largely covered by a recently constructed building called the Pacific Rim Center. Only the northernmost 8'-6" of the site is outside the building, and within this area is a large retaining wall, containing storage vaults, running east to west across the site.

The first two stories of the Pacific Rim Center contain retail commercial spaces. The third and fourth floors consist of parking, both for the commercial uses and the residential condominiums which occupy the fifth through the seventh floors of the structure. The application materials argue that it was not the intention of those who designated the original zoning demarcation line between L3 and NC 3 to separate a small fraction of the land owned by the same owner from the predominately commercial designation.

E. *The preservation and improvement of existing commercial areas shall be preferred to the creation of new business districts.*

The proposed rezone would result in an expansion of the existing commercial area occupied by the existing commercial (mixed-use) use. No new business districts would be created by the proposal. Rezone of the existing site could arguably be considered an improvement to the existing business district.

Conclusion: As with the L3 zone analysis, the results of the above analysis of the Commercial zone designation are not absolutely conclusive. On the one hand encroachment of commercial development into residential areas is to be discouraged. The designation of the site as commercial, however, would not appreciably diminish the compact and concentrated character of the existing commercial area along S. Jackson Street. The proposed rezone would not enable diffusion or sprawl of the existing commercial area.

The fact that the majority of the propose rezone site is occupied by a new mixed-use building might be the difference that tips the balance in favor of a commercial designation. The height, bulk and scale of the recently constructed mixed-use building on the site, conjoined with the topography of the hillside, provides a suitable transition to the L3 upper portion of the hillside and the L3 development atop the terrace.

SMC Section 23.34.008 A-J (General Rezone Criteria):

A. To be approved a rezone shall meet the following standards:

- 1. In urban centers and urban villages, the zoned capacity for the center or village taken as a whole shall be no less than 125% of the growth targets adopted in the Comprehensive Plan for that center or village.*
- 2. For each urban center or urban village, the zoned capacity for the center or village taken as a whole shall allow the minimum zoned capacity established in Section B. of the Land Use Element of the Comprehensive Plan.*
- 3. For the area within the urban village boundary but outside the core of hub urban villages and for residential urban villages taken as a whole the zoned capacity shall not exceed the maximum established in Section B of the Land Use Element of the Comprehensive Plan.*

The subject site is located within the Downtown Urban Center and within the Chinatown/International District Urban Center Village. The zoned capacity for this urban village is not less than 125% of the growth targets adopted in the Comprehensive Plan for the urban village. The zoned capacity for the Chinatown/International District Urban Center Village taken as a whole allows for the minimum zoned capacity established in Section B. of the Land Use Element of the Comprehensive Plan.

B. Match between Established Locational Criteria and Area Characteristics

The most appropriate zone designation shall be that for which the provisions for designation of the zone type and the locational criteria for the specific zone match the characteristics of the area to be rezoned better than any other zone designation.

An analysis of the Lowrise 3 locational criteria has been presented. The next step is to determine whether the proposed Neighborhood Commercial 3 zone best matches the characteristics of the area to be rezoned, or if there is some better matched zone designation.

The discussion above, under SMC 23.34.072 provided a general analysis of whether a commercial zone designation is or is not appropriate, without determining which zone best

meets the characteristics of the rezone site. Thus, it is appropriate to analyze the function and locational criteria for the requested Neighborhood Commercial 3 zone.

SMC Section 23.34.078 A & B state the function and locational criteria for NC3 zones:

A. Function

1. *A pedestrian-oriented, shopping district serving the surrounding neighborhood and a larger community of citywide clientele. The area provides for comparison shopping with a wide range of retail goods and services. The area also provides offices and business support services that are compatible with the retail character of the area and may also include residences. These areas provide locations for single purpose commercial; structures, multi-story mixed use structures with commercial uses along with the street front and multistory residential structures.*

The area proposed for rezone is located within an area whose existing functions are highly comparable to those identified in this criterion. The subject area therefore meets the criterion.

2. *Desired characteristics.*
 - a. *Variety of retail businesses at street level;*
 - b. *Continuous storefronts built to the front property line;*
 - c. *Intense pedestrian activity;*
 - d. *Shoppers can drive to the area, but will walk around from store to store;*
 - e. *Cycling and transit are important means of access.*

The Pacific Rim Center which occupies this site is an important infill project on the north side of S. Jackson St., linking the portion of the International District west of the freeway with the series of shops and businesses further east along S. Jackson St. between 12th Avenue S. and Rainier Avenue S. A more continuous storefront array and pedestrian friendly continuity until recently has been along the south side of S. Jackson St. The Pacific Rim Center which occupies the subject site has helped to enhance the pedestrian character of the north side of S. Jackson St. by providing a store front (actually access to a number of retail spaces) along a portion of the sidewalk which formerly seasonably was plagued by earthslides that frequently precluded pedestrian passage along the north side of the street. Finally, S. Jackson St. is served by three transit routes with access to many connecting routes.

B. Locational Criteria

The Neighborhood Commercial 3 zone designation is most appropriate in areas generally characterized by the following:

1. *Existing Character*
 - a. *Major commercial nodes surrounded by medium to high density residential areas or other commercial areas; or*

- b. *Commercial, retail-oriented strip along a major arterial with significant amounts of retail frontage and generally surrounded by medium-density residential areas; or*
- c. *Shopping centers.*

The subject area is located adjacent to a block zoned NC3 and directly across the street (10th Avenue S.) from a half block zoned C1. S. Jackson Street is already developed as a commercial and shopping spine which continues beyond Rainier Avenue S., the eastern terminus of the Chinatown/International District. Areas to the south of the site, extending to S. Dearborn Street, are currently zoned Neighborhood Commercial 3, Commercial 1 and Industrial Commercial and are developed with buildings containing retail and other commercial uses, mixed residential and commercial uses, as well as industrial uses and community social services.

- 2. *Physical Conditions Favoring Designation as NC3.*
 - a. *Served by principal arterial;*
 - b. *Separated from low-density residential areas by physical edges, less-intense commercial areas or more-intense residential areas;*
 - c. *Highly accessible for large numbers of people (considering present and anticipated congestion) so that intense activity of a major commercial node can be accommodated;*
 - d. *Combination of circulation and transit system accommodates commercial traffic without drawing traffic through residential areas;*
 - e. *Excellent transit service;*
 - f. *Presence of large, perhaps shared, off-street parking lots; land available for additional parking, or other means to accommodate parking demand.*
- a. The subject area is accessible from S. Jackson St. which is a principal arterial.
 - b. The site is physically separated from the less intense residential development of Yesler Terrace by the southern slope of First Hill;
 - c. As a continuation of the overall site fronting on S. Jackson Street the proposed rezone site is highly accessible for large numbers of people;
 - d. S. Jackson Street serves as a major vehicular connector between Downtown and the Central District;
 - f. The site is served by three transit lines with connections throughout downtown and to other neighborhoods and regional destinations;
 - g. The Pacific Rim Center building located on the proposed rezone site and on the portion of the parcel already zoned NC3-65' contains 61,330 square feet of space dedicated to parking for the residential and retail-commercial uses within the building.

Conclusion: Overall, the site comports well with the Neighborhood Commercial 3 function and locational criteria.

23.34.009 Height limits of the proposed rezone

Where a decision to designate height limits in Neighborhood Commercial or Industrial zones is independent of the designation of a specific zone, in addition to the general rezone criteria of Section 23.34.008, the following shall apply:

- A. Function of the zone. Height limits shall be consistent with the type and scale of development intended for each zone classification. The demand for permitted goods and services and the potential for displacement of preferred uses shall be considered.*

Since the proposal is to accommodate an existing mixed-use structure, containing both residential and retail-commercial uses as well as the parking accessory to each, a 65 foot height limit would seem appropriate. Except for this site and the two parcels adjacent to it to the north and to the west, all the parcels within the Chinatown/International District east of the I5 freeway have a 65 foot height limit (the zones are C1-65', NC3-65', and IC-65'). Parcels west of the freeway within the Chinatown/International District have a 75 to 150 foot height limit (zones IDR-150 and IDM 75-85).

- B. Topography of the Area and its Surroundings. Height limits shall reinforce the natural topography of the area and its surroundings, and the likelihood of view blockage shall be considered.*

As previously described, the rezone site is topographically compatible with the L3 zoning of the terrace atop the south edge of First Hill. The first four stories of the Pacific Rim Center which occupies most of the site are below the original contour of the hillside with only three stories extending above the original grade along the north façade of the structure.

C. Height and Scale of the Area.

- 1. The height limits established by current zoning in the area shall be given consideration.*
- 2. In general, permitted height limits shall be compatible with the predominant height and scale of existing development, particularly where existing development is a good measure of the area's overall development potential.*

A 65 foot height limit would be consistent with the pattern of development in the area and would, because of topographical factors, provide a transition between the site and the L3 zone north of the rezone site. Development potential is not a factor in this rezone consideration, as the site has been developed in the past two years with a substantial structure which fairly adequately exploits the development potential of the overall site.

D. Compatibility with Surrounding Area.

- 1. Height limits for an area shall be compatible with actual and zoned heights in surrounding areas excluding buildings development under Major Institution height limits; height limits permitted by the underlying zone, rather than heights permitted by the Major Institution designation, shall be used for the rezone analysis.*
- 2. A gradual transition in height and scale and level of activity between zones shall be provided unless major physical buffers, as described in Subsection 23.34.008.D.2 are present.*

These factors would indicate that a 65 foot height limit is appropriate for the site.

C. Zoning History and Precedential Effect

Previous and potential zoning changes both in and around the area proposed for rezone shall be examined.

The subject portion of the parcel was zoned RM in 1957. With adoption of Title 23 Land Use Code, the site was rezoned to L3 in 1982. The portion of the property south of the subject site and adjacent to S. Jackson St. was zoned CG under Title 24 Zoning code, and was subsequently rezoned to NC3-65' in 1986. The half block to the east of the site across 10th Avenue S., was changed from RM to CG in 1963, and subsequently under Title 24 was rezoned to C1-40'.

It does not appear that any circumstances related to the property have changed since the previous rezones, except that amendments to Chapter 23.34 include changes to the rezone criteria which are applicable to the proposal.

The approval of this rezone request may result in precedential effects in the immediate area; in particular, the potentially affected parcels are: the split-zoned lot across the 9th Avenue S. right-of-way from the proposal site and the lot immediately to the north and abutting the right-of-way of S. Main St., the one zoned both L3 and NC3-65' and the other zoned L3.

D. Neighborhood Plans

- 1. For the purposes of this title, the effect of a neighborhood plan, adopted or amended by the City Council after January 1, 1995, shall be as expressly established by the City Council for each such neighborhood plan.*
- 2. Council adopted neighborhood plans that apply to the area proposed for rezone shall be taken into consideration.*
- 3. Where a neighborhood plan adopted or amended by the City Council after January 1, 1995, establishes policies expressly adopted for the purpose of guiding future rezones, but does not provide for rezones of particular sites or areas, rezones shall be in conformance with the rezone policies of such neighborhood plan.*
- 4. If it is intended that rezones of particular sites or areas identified in a Council adopted neighborhood plan are to be required, then the rezones shall be approved simultaneously with the approval of the pertinent parts of the neighborhood plan.*

The Chinatown/International District Neighborhood Plan was published on June 15, 1998, and subsequently adopted by Resolution of the City Council. The City's Comprehensive Plan was amended to incorporate portions of the Chinatown/International District Urban Center Village Neighborhood Plan (Ordinance No 119297 – December 21, 1998. The adopted plan makes no reference to rezone considerations.

The subject site is located within the established Urban Village boundaries. The proposed rezone is consistent with the general guidelines, recommended actions and implementation strategies as they are set forth in the plan. The development of the Pacific Rim Center on this site is consistent with the expressed objectives to encourage new businesses, to provide for a diversification of housing opportunities, and to address S. Jackson Street as a priority pedestrian improvement area.

E. Zoning Principles

The following zoning principles shall be considered:

1. *The impact of more intensive zones on less intensive zones or industrial and commercial zones on other zones shall be minimized by the use of transitions or buffers, if possible. A gradual transition between zoning categories, including height limits, is preferred.*
2. *Physical buffers may provide an effective separation between different uses and intensities of development. The following elements may be considered as buffers:*
 - a. *Natural features such as topographic breaks, lakes, rivers, streams, ravines and shorelines;*
 - b. *Freeways, expressways, other major traffic arterials, and railroad tracks;*
 - c. *Distinct change in street layout and block orientation;*
 - d. *Open space and greenspaces;*
3. *Zone Boundaries*
 - a. *In establishing boundaries the following elements shall be considered:*
 - (1) *Physical buffers as described in subsection E2 above;*
 - (2) *Platted lot lines.*
 - b. *Boundaries between commercial and residential areas shall generally be established so that commercial uses face each other across the street on which they are located, and face away from adjacent residential areas. An exception may be made when physical buffers can provide a more effective separation between uses.*

The residential properties atop Yesler Terrace would not be deprived of substantial separation should the proposal site be rezoned to commercial use. Physical features do exist that would provide effective buffering between the commercial and residential use were the zone edge to be relocated as proposed. The steep-sloped hillside north of and above the proposal site will in all likelihood remain as an undeveloped green space. The existing zoning pattern observes platted lot lines; the proposal would result in a zone boundary along the platted lot lines. An extension of the existing commercial use into the area currently zoned L3 within the Pacific Rim Center building would add space to a commercial space which faces S. Jackson Street and other commercial or mixed-uses across S. Jackson Street.

The commercial use would in not affect the residentially zoned properties to the north of the site any differently than do the residentially zone uses at present within the mixed-use structure.

Overall, the proposal would appear to satisfy these criteria.

F. Impact Evaluation

The evaluation of a proposed rezone shall consider the possible negative and positive impacts on the area proposed for rezone and its surroundings.

1. *Factors to be examined include, but are not limited to, the following:*
 - a. *Housing, particularly low-income housing;*
 - b. *Public services;*
 - c. *Environmental factors, such as noise, air and water quality, terrestrial and aquatic flora and fauna, glare, odor, shadows, and energy conservation;*
 - d. *Pedestrian safety;*
 - e. *Manufacturing activity;*
 - f. *Employment activity;*
 - g. *Character of areas recognized for architectural or historic value;*
 - h. *Shoreline view, public access and recreation.*

The proposal would not displace any residential units, nor, practicably, displace any land on which additional residential units might be built. Demand for public services would remain essentially unchanged with this zoning reconfiguration. Since there essentially would be no increase in buildable area outside the existing building through this rezone, it is a highly unlikely occurrence that noise, light, bulk and scale, odor and energy use would increase, or that air quality would likely decrease. The proposal will result in no increase in impervious surface and would not impact natural drainage or account for any loss of open space or vegetation.

Pedestrian safety along the abutting three street frontages of the subject area would not be affected by this rezone, nor would the architectural character of the area be altered in any way.

2. *Service Capacities*

Development which can reasonably be anticipated based on the proposed development potential shall not exceed the service capacities which can reasonably be anticipated in the area, including:

 - a. *Street access to the area;*
 - b. *Street capacity in the area;*
 - c. *Transit service;*
 - d. *Parking capacity;*
 - e. *Utility and sewer capacity;*
 - f. *Shoreline navigation.*

The increase of the area zoned commercial within the existing structure and the predictable conversion of space now designated accessory to residential uses to an expansion of the

commercial floor plate would not appreciably increase any service capacities which can reasonably be anticipated in the area.

G. Changed circumstances

Evidence of changed circumstances shall be taken into consideration in reviewing proposed rezones, but is not required to demonstrate the appropriateness of a proposed rezone. Consideration of changed circumstances shall be limited to elements or conditions included in the criteria for the relevant zone and/or overlay designation in this chapter.

It does not appear that circumstances have substantially changed. However, evidence of changed circumstances is not required to demonstrate the appropriateness of a proposed rezone.

H. Overlay Districts

If the area is located in an overlay district, the purpose and boundaries of the overlay district shall be considered.

Not applicable.

I. Critical Areas

If the area is located in or adjacent to a critical area (SMC Chapter 25.09), the effect of the rezone on the critical area shall be considered.

The area of the proposed rezone lies within mapped potential slide and known slide environmentally critical areas. Evidence suggests that historically there were water and slide problems related to the overall development site, including mud slides and winter icing that required the closing of the sidewalk along the north side of South Jackson Street at this point. As part of the construction of the Pacific Rim Center, which now covers most of the site, the owners installed a hillside drainage system and constructed a retaining wall approximately 40-feet in height just north of the building. The construction project, retaining wall and building, helped to stabilize the hillside which had been the location of drainage and slide problems. The first four floors of the Pacific Rim Center, along the northern edge of the site, are located below the original grade of the hill. The legal description of the site includes "...a perpetual easement for drainage system, fence, and retaining wall" along the southern 4.5 feet of the property adjacent to the north of the development site. The area of the easement would remain zoned L3 and is not included within the rezone request.

Analysis of consistency with SMC Section 23.34.007 A-F

A. The provisions of this chapter shall apply to all rezones. In evaluating proposed rezones, the provisions of this chapter shall be weighed and balanced together to determine which zone or height designation best meets these provisions. In addition, the zone function statements, which describe the intended function of each zone designation, shall be used to assess the likelihood that the area proposed to be rezoned would function as intended.

B. *No single criterion or group of criteria shall be applied as an absolute requirement or test of the appropriateness of a zone designation, nor is there a hierarchy or priority of rezone considerations, unless a provision indicates the intent to constitute a requirement or sole criterion.*

C. *Overlay districts established pursuant to neighborhood plans adopted by the City Council may be modified only pursuant to amendments to neighborhood plans adopted or amended by the City Council after January 1, 1995.*

D. *Compliance with the provisions of this chapter shall constitute consistency with the Comprehensive Plan for the purpose of reviewing proposed rezones, except the Comprehensive Plan Shoreline Area Objectives shall be used in shoreline environment re-designations as provided in SMC Section 23.60.060.B.3.*

E. *Provisions of this chapter that pertain to areas inside of urban centers or villages shall be effective only when a boundary for the subject center or village has been established in the Comprehensive Plan. Provisions of this chapter that pertain to areas outside of urban villages or outside of urban centers shall apply to all areas that are not within an adopted urban village or urban center boundary. This subsection does not apply to the provisions of other chapters including, but not limited to, those which establish regulations, policies or other requirements for commercial/mixed use areas inside or outside of urban centers/villages as shown on the Future Land Use Map*

F. *The procedures and locational criteria for shoreline environment redesignations are located in Sections 23.60.060 and 23.60.220, respectively.*

Conclusion: Either of the zone function statements for the Lowrise 3 or the Neighborhood Commercial 3 zones could be achieved, given the circumstances previously discussed. On the one hand, the property involved could successfully function as an undeveloped buffer between the Neighborhood Commercial 3 and the larger developed Lowrise 3- zoned area to the north. Conversely, the rezone site could also function successfully as a Neighborhood Commercial 3 zone. However, topographical conditions—the hillside marking the terminus of First Hill—and adequate Lowrise 3-zoned property north of the site minimize, or rather de-essentialize the buffer function of the proposal site. The fact that the centerline of S. Main Street, north of the proposal site, marks the separation not only between the First Hill Urban Village and the Chinatown/International District Urban Village but between the Downtown and the Capitol Hill/First Hill Urban Centers casts light on the somewhat anomalous designation of L3 zoning for this site. This fact, together with the facts of plat orientation, physical access, and ethno-historical context already discussed, gives added weight to the case for its designation as Neighborhood Commercial 3.

RECOMMENDATION – REZONE

Overall, the applicable policy direction and locational criteria give a strong indication that the site should be rezoned from Lowrise 3 to Neighborhood Commercial 3-65'. Given the existing conditions of the site, its location and orientation within the Chinatown/International District Urban Village and its physical relationship to the commercial and mixed-use

residential neighborhood it abuts, the Director recommends that the proposal to rezone from Lowrise 3 to Neighborhood Commercial 3 -65' be **approved**.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant, July 22, 2002, and annotated by the Department. The information in the checklist, supplemental information provided by the applicant, project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states in part: "where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" (subject to some limitations). Under certain limitations and/or circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

No new construction of structures is proposed for the subject site; the rezone would result in an expansion of non-residential uses on two floors of the existing structure on site. On that basis, there would be no temporary or construction-related impacts directly resulting from the rezone. Any modification to existing spaces would be done within the existing envelope of the structure and any related impacts would be expected to be minor in scope and of short duration. Therefore, no conditioning pursuant to SEPA policies is warranted.

Long-term Impacts

No long-term or use-related impacts are also anticipated as a result of approval of this proposal. The minor expansion of the existing commercial spaces leased to tenants should not result in any significant increase in traffic in the area nor generate an increased demand for on-street parking. There would be no increased in light, glare and noise, nor increased demand for public services and utilities resulting from this proposal.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

- ☒ Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2c.
- ☐ Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2c.

CONDITIONS - SEPA

None.

RECOMMENDED CONDITIONS – REZONE

None.

Signature: _____ (signature on file) Date: April 21, 2003
Michael Dorcy, Land Use Planner
Department of Construction and Land Use
Land Use Division

MD:bg

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